



FIRST NATIONS TAX COMMISSION
COMMISSION DE LA FISCALITÉ DES PREMIÈRES NATIONS



FIRST NATION PROPERTY TAXATION

Presentation to:
Association of Vancouver Island and Coastal Communities
Victoria, BC
April 13, 2024

OVERVIEW

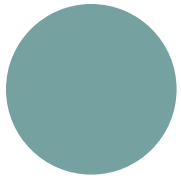
- 1 First Nations Tax Commission (FNTC)
- 2 First Nation Property Taxation
- 3 First Nation Tax-Based Service Agreements
- 4 Resources



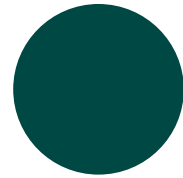
FNTC

FIRST NATIONS TAX COMMISSION

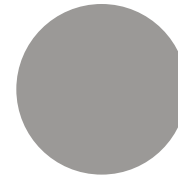
The First Nations Tax Commission is a First Nation shared-governance institution established by the FMA. Its mandate is to promote, support and regulate First Nation property tax and local revenue regimes.



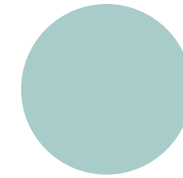
Established in 2005
under the First
Nations Fiscal
Management Act
(FMA)



Ten member
shared-governance
federal Commission



Offices located in
Tk'emlúps te
Secwépemc, BC and
Ottawa, ON



Provides regulatory
support for
taxation under the
FMA or Indian Act

FUNCTIONS & SERVICES

01

LAW &
BY-LAW REVIEW

02

LAW APPROVAL

03

BY-LAW
RECOMMENDATION

04

TRAINING &
EDUCATION

05

POLICY
DEVELOPMENT

06

SERVICE AGREEMENT
FACILITATION

07

REGISTRY &
GAZETTE

08

DISPUTE
RESOLUTION



FNTC KEY INITIATIVES

- First Nations Resource Charge
- Fuel, Alcohol, Cannabis and Tobacco
- National First Nation Assessment Authority



FIRST NATION
PROPERTY
TAXATION

FIRST NATION PROPERTY TAX TIMELINE

1800s & EARLY 1900s
First Nation taxation includes labour taxes, poll taxes, and school taxes (Ontario and Quebec)

1988
Bill C-115, the "Kamloops Amendment," clarifies property tax power respecting leasehold and other interests in reserve land

1990
Bill 64, Indian Self-Government Enabling Act (BC)

2007
First Nations Tax Commission

2023
Anticipate further amendments to the FMA to improve First Nation fiscal powers

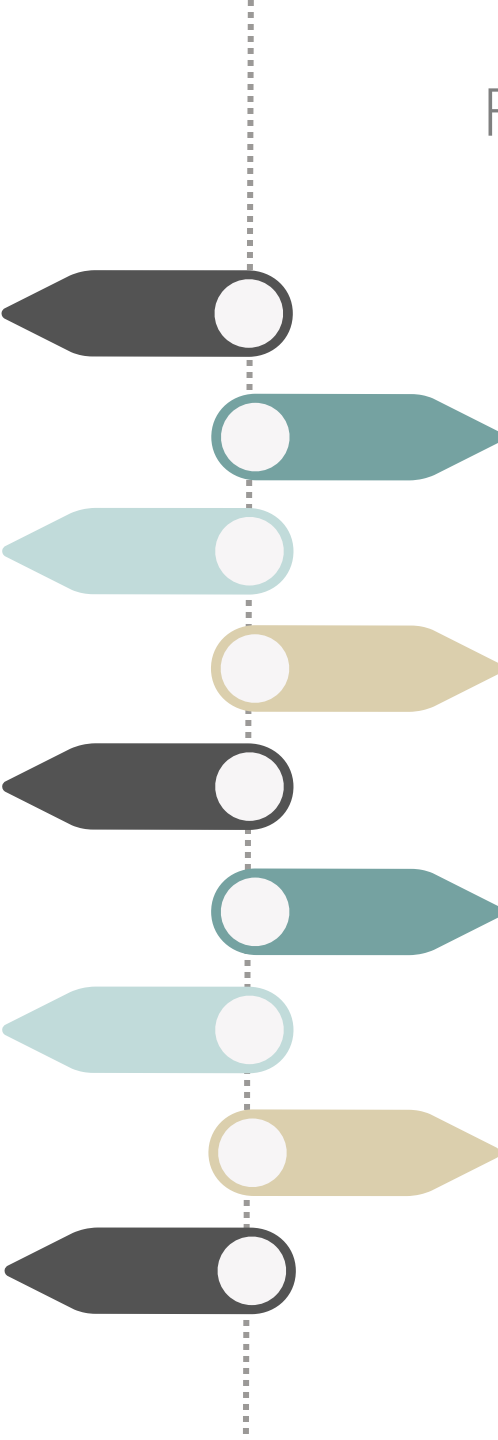
1960s & 1970s

- FNs raise concerns over provincial and local government taxation on reserve lands
- Section 83 of Indian Act used for the first time by FNs in Ontario and Alberta to develop property taxation

1989
Indian Taxation Advisory Board is formed

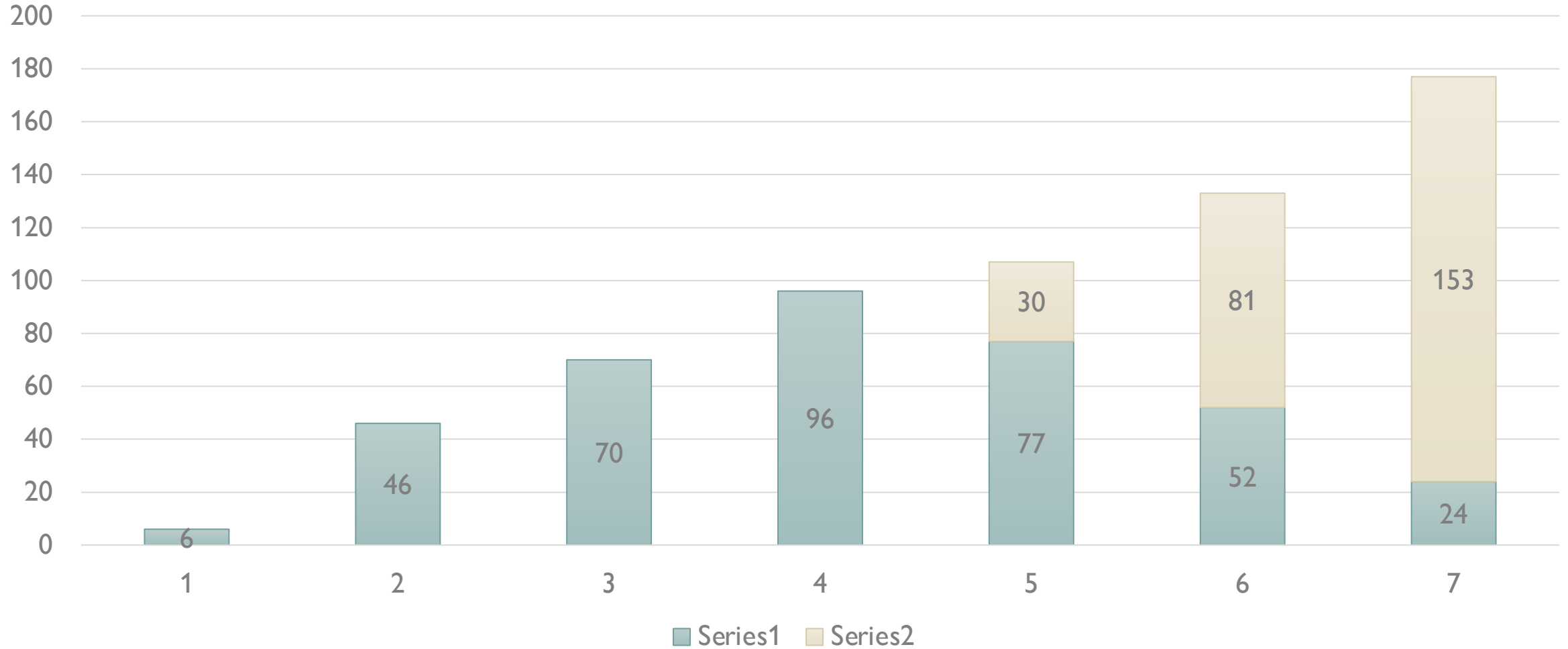
2005
First Nations Fiscal Management Act

2015
FMA amended to make the legislation more accessible to First Nations and reduce administrative burden



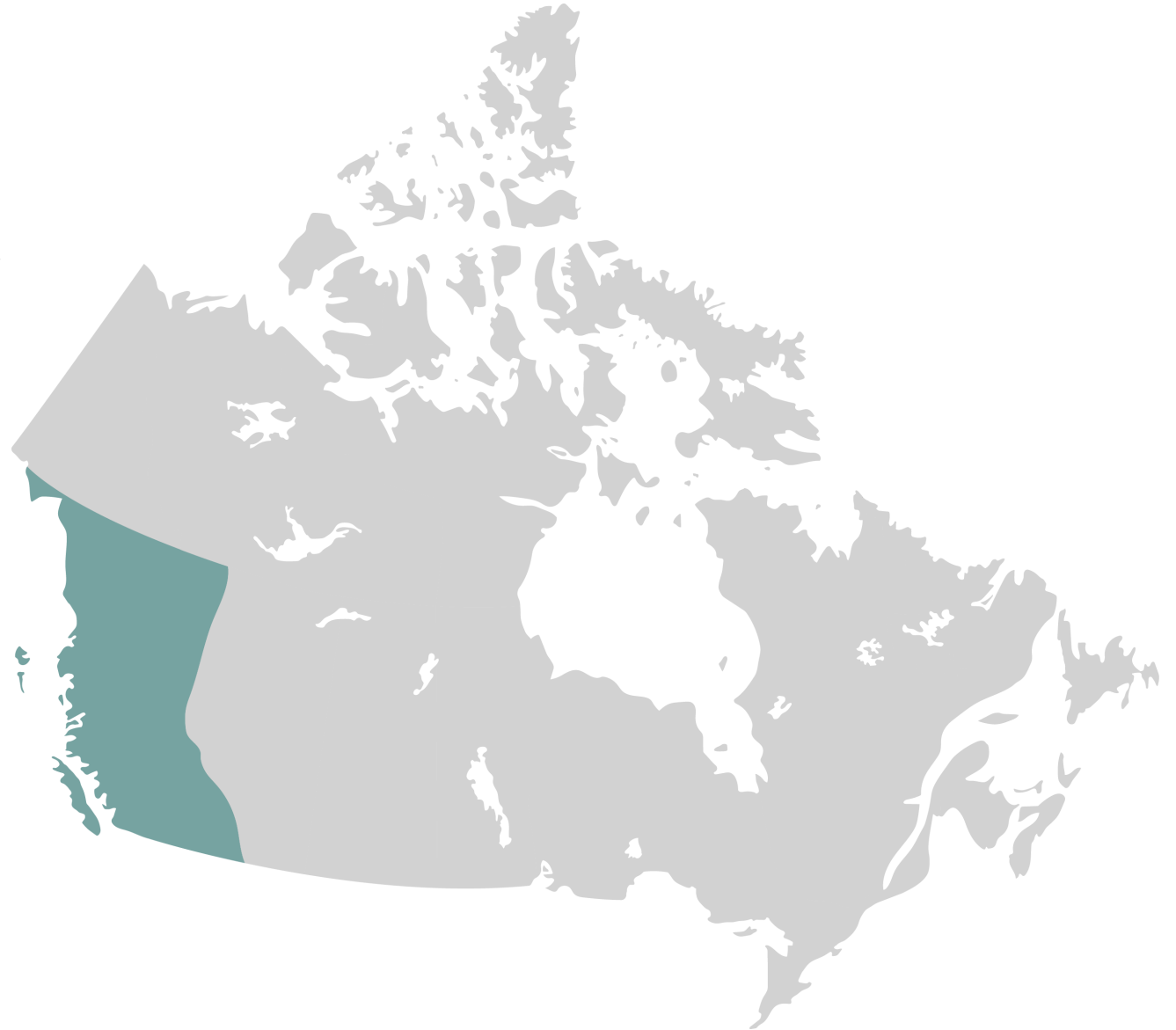
NATIONWIDE:

FIRST NATIONS WITH TAX JURISDICTION

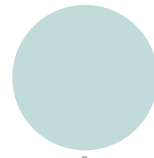


BRITISH COLUMBIA

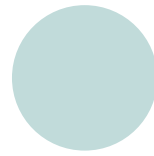
- 110 First Nations with tax jurisdiction through s.83 of the *Indian Act* and FMA
- 16 First Nations are taxing on Vancouver Island
- First Nations collected over \$96M:
 - \$88M in Property tax
 - \$1M in PILTs
 - \$7M in PTT
 - \$300,000 in BAT
- Although the tax base is diversified, 90% of the taxpayers are residential



FIRST NATION & LOCAL GOVERNMENTS



First Nations are part of the regional economy



First Nations rate setting reflects tax rates set by neighbouring jurisdictions



Comprehensive approach to First Nations economic growth includes strong tax-based service agreements with local governments



WHAT IS FIRST NATION PROPERTY TAXATION?

First Nations exercising their tax powers establish jurisdiction with authority derived from either the FMA or s.83 of the Indian Act.

- Very similar to property tax off-reserve
- First Nations enact annual laws/by-laws to implement and maintain taxation

First Nation assessment authority stems from an approved assessment law/by-law.

FMA: Assessment laws must meet the requirements of the FMA, the assessment appeal regulations, and FNTC assessment law standards

s.83: Assessment by-laws are subject to limitations set out by section 83 and FNTC policy



FMA FISCAL TOOLS

 Property Tax

 Service Taxes

 Business Activity Taxes

 Property Transfer Taxes

 Service and Facility Fees

 Development Cost Charges



SERVICE AGREEMENT FACILITATION

PROPERTY TAX & SERVICE AGREEMENTS

FNTC advocates a comprehensive approach to improve First Nation economies. This includes encouraging First Nations to access the full array of fiscal powers under the FMA and facilitating service agreement negotiations between First Nations and neighbouring jurisdictions.



Enhances the relationship between First Nation and local governments.



FNTC has facilitated over 20 tax-based service agreements.



Using best practices, a template for protocol and service agreement is available.



Pricing application identifies tax-based formulas for pricing of service delivery.



FIRST NATION
RESOURCES



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GUIDES & TOOLKITS

SUCCESS STORIES

NEWS & BULLETINS

WEBINARS

VIDEOS



First Nations Gazette

Archive of
First Nation
laws and notices

Supporting
the legal voice
of First Nations

FREE &
ONLINE

FNG.ca

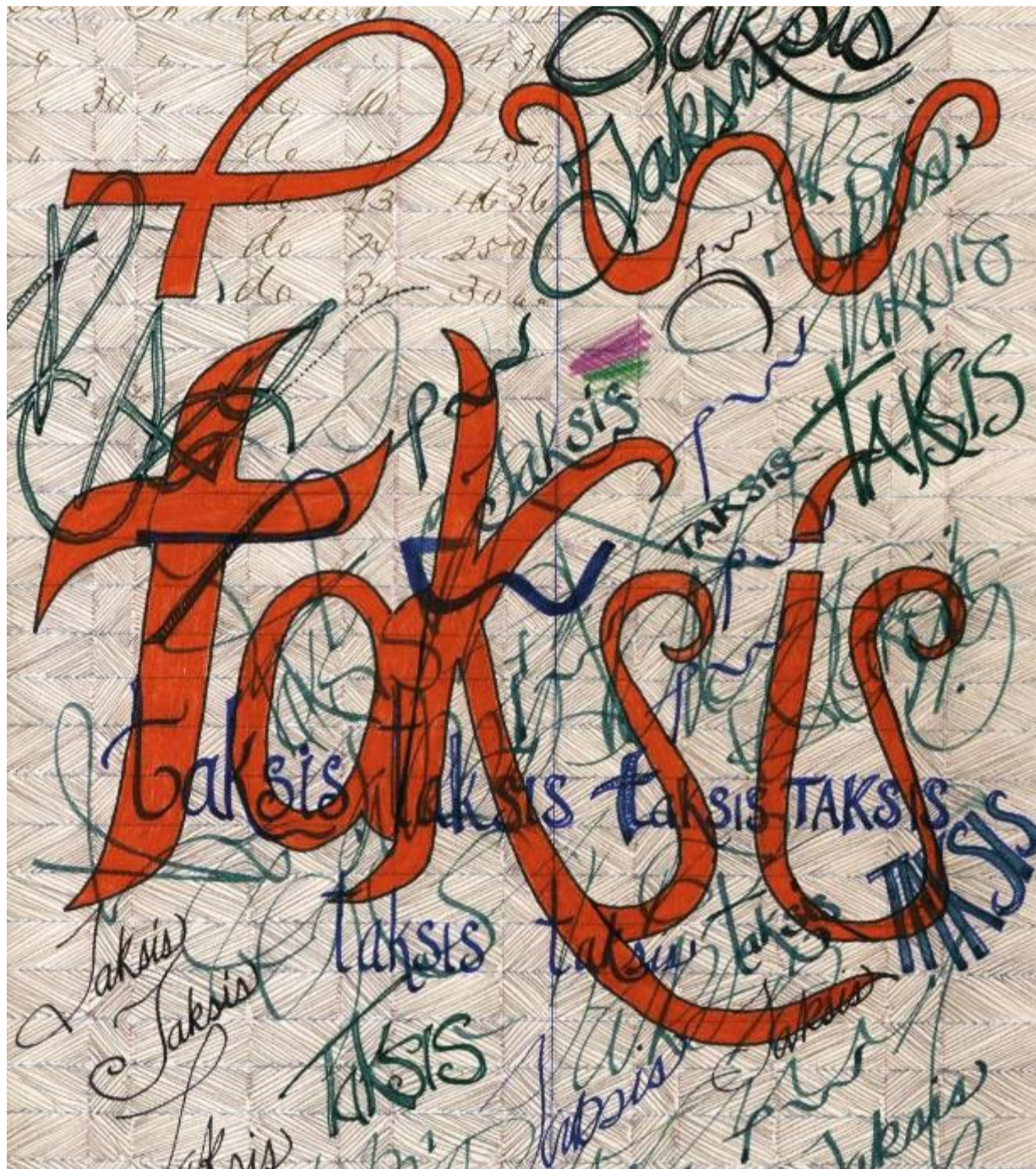


Tulo Centre OF INDIGENOUS ECONOMICS



- Delivered by Tulo Centre in partnership with Thompson Rivers University and First Nations Tax Commission
- Next cohort starts February 2025

tulo.ca



“Taksis” is from the Chinook language, meaning “tax”



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✉ jjames@fntc.ca

FNTC.ca